



PATENT

Attorney Docket No.: A-67614-3/RFT/RMS/RMK

Attorney File No.: 463077-241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAHIYAT et al.

Serial No. 10/632,695

Filing Date: August 1, 2003

For: *Nucleic Acids and Protein Variants
of hG-CSF with Granulopoietic
Activity*

Examiner: Not Yet Assigned

Group Art Unit: 1653

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

Dated: March 16, 2004

Signed: 
Brent Yonchara

**INFORMATION DISCLOSURE STATEMENT
AND
STATEMENT OF RELATEDNESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A. Since this application is a continuation-in-part of the following related U.S. Application – Serial No. 09/479,313, filed January 6, 2000 (now Patent No. 6,627,186, issued September 30, 2003), copies of these references were provided either by Applicants or the Examiner. Therefore, in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed.

Further, in satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), Applicant notes that the present application is related to the following pending patent applications:

1. U.S.S.N. 09/058,459, filed April 10, 1998, now U.S. Patent No. 6,188,965, issued February 13, 2001; U.S.S.N. 09/127,926, filed July 31, 1998, now U.S. Patent No. 6,269,312, issued July 31, 2001; U.S.S.N. 09/714,357, filed November 15, 2000; U.S.S.N. 09/812,034, filed March 19, 2001; U.S.S.N. 09/827,960, filed April 4, 2001; U.S.S.N. 09/837,886, filed April 18, 2001; and U.S.S.N. 10/057,552, filed January 25, 2002;
2. U.S.S.N. 09/419,351, filed October 15, 1999, now U.S. Patent No. 6,503,312, issued June 11, 2002; U.S.S.N. 09/782,004, filed February 12, 2001; U.S.S.N. 09/927,790, filed August 10, 2001; U.S.S.N. 10/101,499, filed March 18, 2002; U.S.S.N. 10/218,102, filed August 12, 2002; U.S.S.N. 10/665,307, filed September 18, 2003; and U.S.S.N. 10/666,311, filed September 18, 2003.

It is not believed that the foregoing references disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of the cited reference, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present documents shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a

Serial No. 10/632,695
Filing Date: August 1, 2003

first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 463077-241 (A-67614-3/RFT/RMS/RMK)).

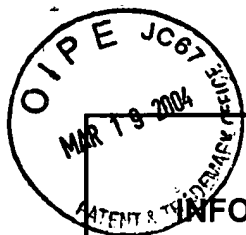
Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 3/16/04
Customer Number: 32940
Dorsey & Whitney LLP
Intellectual Property Department
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

BY: 

Renee M. Kosslak, Reg. No. 47,717 for
Robin M. Silva, Reg. No. 38,304

Attachments : Form PTO/SB/8A, Substitute for form 1449
Return Postcard



Substitute for form 1449A/PTO
(Modified)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

| | |
|------------------------|------------------------------------|
| Application Number | 10/632,695 |
| Filing Date | August 1, 2003 |
| First Named Inventor | DAHIYAT, Bassil I. |
| Art Unit | 1653 |
| Examiner Name | To Be Assigned |
| Attorney Docket Number | A-67614-3/RFT/RMS/RMK (463077-241) |

Sheet 1 of 1

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|----------|---|--------------------------------|---|---|
| | A1 | 4,810,643 | 04-07-1989 | Souza | |
| | A2 | 4,833,127 | 05-23-1989 | Ono et al. | |
| | A3 | 4,999,291 | 03-12-1991 | Souza | |
| | A4 | 5,214,132 | 05-25-1993 | Kuga et al. | |
| | A5 | 5,218,092 | 06-08-1993 | Sasaki et al. | |
| | A6 | 5,362,853 | 11-08-1994 | Kuga et al. | |
| | A7 | 5,399,345 | 03-21-1995 | Schumacher et al. | |
| | A8 | 5,416,195 | 05-16-1995 | Camble et al. | |
| | A9 | 5,580,755 | 12-03-1996 | Souza | |
| | A10 | 5,581,476 | 12-03-1996 | Osslund | |
| | A11 | 5,790,421 | 08-04-1998 | Osslund | |
| | A12 | 5,830,705 | 11-03-1998 | Souza | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|----------|--|--------------------------------|---|---|----------------|
| | B1 | EP 0 459 630 A2 | 12-04-1991 | Imperial Chemical Industries PLC | | |
| | B2 | WO 94/17185 A1 | 08-04-1994 | Amgen Inc. | | |
| | B3 | WO 98/47089 A1 | 10-22-1998 | California Institute of Technology | | |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
|--------------------|----------|---|----------------|
| | C1 | DAHIYAT, B., et al., "Protein design automation," <i>Protein Sci.</i> 5:895-903 (1996). | |
| | C2 | KUGA, T., et al., "Mutagenesis of human granulocyte colony stimulating factor," <i>Biochem. Biophys. Res. Comm.</i> 159(1):103-111 (1989). | |
| | C3 | LUO, P., et al., "Automated Design of Enhanced Granulopoietic Proteins," <i>FASEB J.</i> 137(7):1431 (1999). | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2